

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**COURTROOM PROCEEDINGS**

The court met in its courtroom at 10:00 A.M. Present: Honorable Herbert I. Levy, Acting Presiding Justice; Honorable Gene M. Gomes, Associate Justice; Honorable Stephen Kane, Associate Justice; and Leisa V. Biggers, Clerk/Administrator, by Rosemary Heredia, Assistant Deputy Clerk.

**F047205      People v. Walsh**

Cause called and argued by Paul J. Wallin, Esq., counsel for appellant and by George M. Hendrickson, Deputy Attorney General, counsel for respondent.

Cause ordered submitted.

**F046435      People v. Jones**

Cause called and argued by Kathleen Page, Esq., counsel for appellant and by Leslie W. Westmoreland, Deputy Attorney General, counsel for respondent.

Submission deferred to October 24, 2006 for additional briefing and/or submittal.

Court recessed until Wednesday, October 11, 2006 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable Steven M. Vartabedian, Acting Presiding Justice; Honorable Herbert I. Levy, Associate Justice; Honorable Gene M. Gomes, Associate Justice; and Leisa V. Biggers, Clerk/Administrator, by Diana Monopoli, Deputy Clerk.

**F046815      Gillian v. Taylor**

Cause called and argued by James F. Tritt, Esq., counsel for appellant and by Todd W. Baxter, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Thursday, October 12, 2006 at 10:00 A.M.

**F048601      People v. Perry**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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**F048601      People v. Perry**

The true findings on the prior serious felony convictions and prior strike convictions allegations are reversed and the sentence is vacated. The district attorney shall have 30 days after remittitur is filed in which to give written notice of his intent to seek retrial of the prior conviction allegations. If the district attorney gives such notice, the court shall conduct further proceedings in accordance with this opinion. If the district attorney fails to give such notice, the court shall resentence appellant without reference to the prior serious felony and prior strike convictions. In all other respects, the judgment is affirmed. Ardaiz, P.J.

We concur: Wiseman, J.; Hill, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F050682      In re Rosemarie Q. et al., Minors**

The above-entitled case is submitted for decision.

**F050682      In re Rosemarie Q. et al., Minors**

IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F051239      In re the Marriage of Tovar**

Appellant having failed to perform the acts necessary to procure the record after the clerk of the trial court issued notice pursuant to the provisions of rule 8(a)(1), California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

**F049569      People v. Yarbrough**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F049569      People v. Yarbrough**

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F048923      People v. Muldrow**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F047449      People v. Langston**

Appellant's petition for rehearing filed herein is denied and order modifying opinion. [No Change in Judgment].

**F050085      In re Aubrey B., a Minor**

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

**F051055      Daniel H.v. The Superior Court of Kern County; Kern County Dept. of Human Services**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F051055      Daniel H. v. The Superior Court of Kern County;  
Kern Co. Dept. of Human Services**

The petition for extraordinary writ is dismissed. The opinion is final forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]